

251 North Avenue West, 2nd Floor
Westfield, NJ 07090

Mayer, Fortkort & Williams, PC
Attorneys At Law

Fax

FAX RECEIVED

AUG 19 2002

GROUP 1600

To: Assistant Commissioner for Patents

From: David Bonham
(703) 433-0510

OFFICIAL

Fax: 703-872-9306

Total pages: 3

Phone:

Date: 8/16/02

Re: In connection with prosecution in Serial. No.
09/845,080, please find enclosed a Response to
Restriction.

CC:

Sincerely,

David Bonham

☐ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

PRIVACY AND CONFIDENTIALITY NOTICE

The information contained in this communication is confidential and may be legally privileged. It is intended solely for the use of the individual or entity to whom it is addressed and others authorized to receive it. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or taking of any action in reliance on the contents of this information is strictly prohibited.

If you received this communication in error, please immediately notify us by a collect telephone call to the writer and return the original message and documents to us at the above address via the United States postal service.

#7
Jea
8/19/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Naimark et al.
Serial No.: 09/845,080
Filed: April 27, 2001
Title: MICROPARTICLE PROTECTION
OF THERAPEUTIC AGENTS
Art Unit: 1632
Examiner: Dave Trong Nguyen
Docket No.: 00-0238

VIA FACSIMILE 703-872-9306
Assistant Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO RESTRICTION

Sir:

In response to the Office Action mailed July 16, 2002 in the above matter, please consider the following response to the outstanding restriction requirement.

Applicants hereby elect with traverse Group I, claims 2-3, drawn to a method of using microparticles to protect pharmaceutical effectiveness of a pharmaceutically active agent when exposed to a metal.

Pursuant to 35 U.S.C. 121, election of a single disclosed species for prosecution on the merits was also required. Applicants hereby elect stainless steel from claim 3 as the single disclosed species for prosecution on the merits.

CONCLUSION

Applicants submit that this application is in condition for allowance, early notification of which is earnestly solicited. The Examiner is encouraged to contact the undersigned at (703) 433-0510 to discuss any outstanding issues in this case.

FEES

The Office is authorized to charge any fees required in connection with this application to deposit account number 50-1047.

Attorney for Applicant
Mayer Fortkort & Williams, PC
251 North Avenue West, 2nd Floor
Westfield, NJ 07090
Tel.: 703-433-0510
Fax: 703-433-2362

Respectfully submitted,



David B. Bonham

Registration No. 34,297

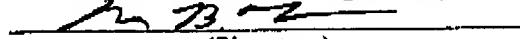
Certificate of Facsimile Transmission

I hereby certify that this correspondence is being sent to the United States Patent and Trademark office via Facsimile to: 703-872-9306 on

Aug. 16, 2002

David B. Bonham

(Printed Name of Person Mailing Correspondence)



(Signature)